

OVERSIGHT OF STATE-RUN JUVENILE CORRECTIONAL FACILITIES KNOWN AS 'BOOT CAMPS'

HEARING BEFORE THE SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY OF THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES ONE HUNDRED TENTH CONGRESS FIRST SESSION

DECEMBER 13, 2007

Serial No. 110-127

Printed for the use of the Committee on the Judiciary



Available via the World Wide Web: <http://judiciary.house.gov>

U.S. GOVERNMENT PRINTING OFFICE

39-706 PDF

WASHINGTON : 2008

For sale by the Superintendent of Documents, U.S. Government Printing Office
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OVERSIGHT OF STATE-RUN JUVENILE CORRECTIONAL FACILITIES KNOWN AS 'BOOT CAMPS'

THURSDAY, DECEMBER 13, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:37 p.m., in room 2141, Rayburn House Office Building, the Honorable Robert C. "Bobby" Scott (Chairman of the Subcommittee) presiding.

Present: Representatives Scott, Conyers, Johnson, Jackson Lee, Gohmert and Coble.

Also Present: Representatives Meek and Corrine Brown of Florida.

Staff present: Bobby Vassar, Subcommittee Chief Counsel; Rachel King, Majority Counsel; Mario Dispenza (Fellow), BATFE Detailee; Kimani Little, Minority Counsel; and Veronica Eligan, Majority Professional Staff Member.

Mr. SCOTT. The Subcommittee on Crime, Terrorism, and Homeland Security will come to order.

I would first like to welcome our new Ranking Member, Judge Gohmert, who is taking over for my Virginia colleague, Randy Forbes. We have worked together on a number of things, and we look forward to working with you on this Subcommittee.

I would like to welcome everyone to the hearing regarding State-run juvenile correction facilities known as "boot camps." Boot camps are modeled after military training camps and are considered as an alternative to conventional juvenile institutions, instilling discipline, structure and education in a manner that youths are not receiving at conventional school and in their home environment. Although the boot camp concept has its advocate, the reality is that we have had widespread reports of abuse by camp employees and reports of several fatalities at camps around the country.

The system is simply not performing as intended, and children in many of these camps are in danger. One of the most recent high profile deaths is that of Martin Lee Anderson who died in a Florida boot camp on January 6, 2006. His case garnered significant public attention because there was a videotape of guards beating him because they believed that he was faking illness to get out of exercise. After beating him, the guards forced him to inhale ammonia smell-

ing salts. When he lost consciousness, the guards realized that he was seriously ill. But by the time medical help had arrived, it was too late to save his life. The guards and a nurse were charged with manslaughter and gross neglect. But in October 2007, all were acquitted of all charges. However, the case was the impetus to shut down some of the juvenile boot camp facilities.

According to Professor Doris MacKenzie from the University of Maryland Department of Criminology, who is with us today, poor training, inadequate oversight and misguided policies have caused the abusive environments that many boot camps have become. Twenty States still operate boot camps despite the ongoing problems with them. The most recent death occurred in Colorado in May of this year to a 15-year-old boy named Caleb Jensen died from an untreated staff infection while incarcerated at Alternative Youth Adventures, AYA, in Colorado. He contracted an infection, realized he was ill and told facility employees over a period of several days that he was not well. But his claims were ignored. And by the time the counselor sat down to talk to him, Caleb slumped over and died from the very illness he had been complaining about for those days. Although Colorado revoked AYA's license to operate, no charges have been filed against any of the employees.

Another example of boot camp deaths include 14-year-old Gina Score who collapsed during a forced run at a South Dakota boot camp. She was 5'4" and weighed 226 pounds, obviously unfit for rigorous exercise, yet the guards forced her to run 2.7 miles in 77 degree heat with 81 percent humidity. She passed out. Guards believed that she too was faking it, and they left her on the ground for 3 hours until she died of heat stroke, her body temperature having reached 108 degrees. Employees were charged with child abuse but were acquitted.

Then there was Travis Parker, 13-years old who was incarcerated in a Georgia boot camp when he was killed by guards who held him to the ground for more than an hour while he pleaded for his asthma inhaler. They didn't give it to him because they said he had a habit of asking for an inhaler, quote, whenever he was restrained. Six camp employees were indicted for felony murder, child cruelty and involuntary manslaughter, but the district attorney dropped all of the charges after a judge ruled in favor of the defendants in a pretrial motion.

One thing in common to Martin Lee Anderson, Gina score, Travis Parker and Caleb Jensen is that none of the responsible guards were ever held criminally liable for the children's deaths. This hearing will focus on whether States have begun to take adequate steps to ensure the protection of the civil rights of those who are committed to State-run boot camps and whether the boot camp concept has merit from a criminal justice policy perspective.

Right now I would like to recognize our distinguished colleague, the Ranking Member of the Subcommittee, Congressman Louie Gohmert from the First Congressional District of Texas.

Mr. GOHMERT. Thank you Chairman Scott. And I want to thank the witnesses for being here. I am looking forward to working with Chairman Scott and other Members of the Subcommittee on the important issues of this Subcommittee's jurisdiction. I also want to express my admiration for my colleague, former Ranking Member

Randy Forbes of Virginia, who served us this year as the Ranking Member of the Subcommittee. It is my hope, Mr. Chairman, you and I can maintain as effective a relationship as you and Ranking Member Forbes did earlier in this Congress.

Today's hearing on State-run juvenile facilities does concern me to some extent with regard to the scarce use of oversight resources that we have. I am tremendously personally sympathetic for anyone who has suffered, which has been laid out so articulately by the Chairman. And we are all aware of the tragic death of a juvenile at Panama City and the acquittal of the boot camp guards. That matter is now under Federal investigation, sounds appropriate, and we should do nothing to interfere with that investigation.

But there is not a single correctional boot camp maintained by the Federal Government. The prosecution and confinement of juveniles is almost exclusively a State issue. Approximately 93 percent of all criminal prosecutions are conducted by State and local prosecutors and the percentage of State prosecutions of juveniles is even higher than that. According to the Bureau of Prisons, there are only 178 juveniles in the entire Federal prison system. Because there are so few juveniles in the system, the Bureau of Prisons does not even maintain a facility for juveniles and instead contracts with State, local and private entities for the confinement of juvenile offenders in the Federal system.

Prison boot camp programs started in the 1980's and were started for young male offenders originally convicted of nonviolent offenders. As the name suggests, boot camp programs are modelled after military boot camp training and involve a daily regimen, usually of physical training, work assignments and vocational training. Over half the States developed boot camp programs in the hopes of lowering the rates of recidivism among released offenders and reducing costs of housing offenders in traditional juvenile detention facilities and reducing crowding in those detention facilities. By most measures, the boot camp experiment seems to have met with mixed success in meeting those three goals. In recent years, some States have made the determination that the benefits are outweighed by the costs or problems with their boot camp programs. Other States determined they are better off keeping their boot camp programs. Neither case, I believe and hope that it will ultimately be agreed that those decisions should be made without undue influence from those of us in the Federal Government.

Having been on the juvenile board of our county in Texas where I served as a district judge and later a chief justice, we looked at the proposition of having a day boot camp. We looked at other boot camps, talked to a lot of people that were involved in boot camps. We liked the idea of a day boot camp better than a residential boot camp and ultimately went with that and found there were many benefits from that.

But as I think I understand from our witnesses and some of the indications, if all you do is a military-style regimen of physical activity, you are missing the entire boat. It has to be mixed with education and other assistance, vocational training, things like that, in order to help juveniles reduce recidivism. And additionally, I think everyone would agree, if you are going to have a program like that,

it does require adequate accountability, monitoring and sometimes these programs have not had that. In any event, I look forward to hearing the testimony of the witnesses. And I will yield back the balance of my time, Mr. Chairman.

Mr. SCOTT. Thank you.

The Chair recognizes the Chair of the full Judiciary Committee, Mr. Conyers, for a statement.

Mr. CONYERS. Thank you, Chairman Scott. And I welcome Judge Gohmert to the Subcommittee as the new Ranking Member. And this is a very active Committee. And this subject matter is one that leads me to briefly say the following: I hope this hearing and any others that may follow it lead to a reexamination of the concept and purpose of juvenile boot camps. It has been observed already that these facilities don't seem to be any more successful than other types of juvenile justice programs and do little more or sometimes less to prevent recidivism. It is also noted that education and drug rehabilitation programs play a major role in helping young people rehabilitate themselves. The second thing on my mind as we start these hearings is that we need to ensure that it is a crime for a child to be killed while being detained in a boot camp. We must ensure that children are not killed in boot camps and that there is adequate investigation and prosecution if harm, certainly death, occurs as a result of some mis-running or poor training on the part of those that are involved in these boot camps.

I would like to recommend to this Committee that we inspect and visit every boot camp in the United States of America, whether it is State or private. I mean, this isn't a matter of opinion of how we—whether you like boot camp or lump boot camps. These things, to me, at the outset—and I try to keep an open mind about everything I do here—have been a grievous mistake based upon a false criminal justice premise. And so I am anxious to hear from you who have been closer to this than me.

And I ask unanimous consent to put my statement in the record.
[The prepared statement of Mr. Conyers follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MICHIGAN, AND CHAIRMAN, COMMITTEE ON THE
JUDICIARY

**Statement by the Honorable John Conyers, Jr.
for the Hearing on Oversight of State-Run Juvenile
Correctional Facilities Known As “Boot Camps”**

**Thursday, December 13, 2007, at 1:00 p.m.
2141 Rayburn House Office Building**

Today’s hearing addresses a very serious situation, which came to my personal attention in a very dramatic way last month when I met with the family of Martin Lee Anderson.

Martin was sent to a juvenile boot camp after he violated his probation by taking his grandmother’s car on a joy ride. Two hours after arriving at the camp, he was sent out to do some strenuous exercises. Although Martin informed the guards that he did not feel well, the guards, assuming he was simply trying to shirk his duties, forced him to continue exercising. When he persisted in his refusal, six guards pommelled Martin in front of a crowd of witnesses, including a nurse. After Martin passed out, the guards tried to revive him by forcing him to smell ammonia salts, but the process caused him to suffocate. Medical help arrived too late to save Martin and he died the next day after being taken off of life support.

The state autopsy found that Martin died not from rough treatment, but from a previously undiagnosed blood disorder

and a second autopsy revealed that he had died of suffocation as a result of the guards forcing him to smell the ammonia salts.

While the State of Florida charged eight of the boot camp employees with manslaughter, the trial consisted of only 90 minutes of testimony and the jury acquitted all of the defendants even though they watched a video of the beating. One of the lawyers for Martin's family observed, "If you kill a dog you go to prison. If you kill a little black boy, nothing happens."

Martin's death underscores the critical need for Congress to respond in at least three respects.

First, we must ensure that children are not killed in boot camps. Although Martin's death subsequently caused Florida to close all of its state-run boot camps, other states continue to operate boot camps and other children have since lost their lives while in these camps.

Second, we need to ensure that it is a crime for a child to be killed while being detained in a boot camp.

Third, we need to re-examine the concept and purpose of juvenile boot camps. Experts observe that these facilities are not any more successful than other types of juvenile justice programs

at preventing recidivism. They also note that education and drug rehabilitation programs play a major role in helping young people rehabilitate themselves.

I very much look forward to hearing from our witnesses today, particularly with respect to their suggestions and guidance with respect to how we can best achieve these three important objectives.

Mr. SCOTT. Without objection.

The gentleman's time has expired. Thank you very much, Mr. Chairman, for your statement.

We have three witnesses with us today. Representative Hastings was here earlier to introduce our first witness, but we have many Representatives from Florida that have an interest in this hearing. And the first witness will be introduced by the gentleman from Florida, Mr. Meek.

Mr. MEEK. Thank you so very much Mr. Chairman, and I am honored to be here to not only introduce the witness but what I consider a constituent in my district also and a great leader in the country. Adora Obi Nweze, president of the Florida NAACP and also a member of the national board has been a long-time educator in Miami/Dade County and also beginning her work as a teacher and working her way up to regional supervisor. I had an opportunity to work with Ms. Nweze when I was a member of the State legislature where we had a number of issues. And she has been a part of numerous committees and projects and building partnerships between the Florida Department of Education, also the Florida Department of Health, Corrections, Juvenile Justice, Elderly Affairs and Emergency Management. She has a bachelors degree from Fayetteville University and a masters of education degree from the University of Miami. She is also certified in the State of Florida in areas of elementary education, educational leadership guidance and counseling, social studies, mental retardation and specific learning disabilities. And Mr. Chairman, I believe that she will be able to give the full scope of the very issue that we are talking about here today. Thank you.

Mr. SCOTT. Thank you. And I understand that she has a plane to catch so she will not be able to be here for the full hearing. And we apologize for the delay. We are almost 2 hours late in starting.

Our second witness will be Dr. Doris Layton MacKenzie, who is a professor at the Department of Criminology and Criminal Justice at the University of Maryland and director of the Evaluation Research Group. She has an extensive publication record in the criminal justice area, including, among other issues, what works to reduce crime in the community, inmate adjustment to prison, impact to intermediate sanctions on recidivism and boot camp prisons. She has directed research projects on, among other topics, multi-State study on correctional boot camps and descriptive study of female boot camps. She has a bachelors degree masters degree and doctorate each in psychology and each from the University of Pennsylvania.

Our third witness will be introduced by the gentle lady from Florida, Ms. Corrine Brown.

Ms. BROWN. Thank you, Mr. Chairman, and thank you for holding the important hearing today at the request of the Florida delegation. It is a pleasure for me to introduce Florida State Representative Audrey Gibson from my home State of Jacksonville, Florida. She is a native of Jacksonville, north side, she attended the local school in Jacksonville and graduated from Florida State University with a bachelors degree in criminology. She is the proud mother of an adult daughter and two sons. During her career, Representative Gibson has worked as a congressional district administrator and as

a business community liaison. Representative Gibson sits on numerous Committees and is affiliated with many worthy causes. In her current capacity as State representative of District 15, she is committed to fighting for her constituents as well as all people of the State of Florida. She is also the recipient of many awards and recognition, including the Girl Scouts of Gateway Council, in 2006, Women of Distinction award, and most important, 2006, Legislator of the Year award from the North Side Florida Association of Realtors. It is my honor to introduce Ms. Gibson who I have known all her life.

Mr. SCOTT. Thank you. Thank you, Representative Brown. All of the witnesses have submitted statements, and each of the witnesses' complete written statements will be made as a part of the record. But I would ask each of the witnesses to summarize your testimony in 5 minutes or less. And to help you stay within that time, there is a lighting device on the table. When you have 1 minute left, the light will go from green to yellow, and then finally to red when the 5 minutes are up. We will now hear from our first witness who I have known for a long time, Ms. Nweze.

**TESTIMONY OF ADORA OBI NWEZE, PRESIDENT,
FLORIDA NAACP, MIAMI, FL**

Ms. NWEZE. Good evening, Mr. Chairman, Members of the Subcommittee, and to the distinguished Congressman Conyers and distinguished guests.

My name is Adora Obi Nweze, and it is my honor to be here today in the capacity as president of the Florida State Conference, NAACP. With more than 50 NAACP units in the State of Florida, we are proud to represent and pursue the civil rights interests of all Floridians of color throughout the State. I would like to take this opportunity to thank Congressman Alcee Hastings, Congresswoman Corrine Brown and Congressman Kendrick Meek for their leadership in pursuing this matter and bringing it to the attention of the Subcommittee.

In addition to serving as president of the Florida State Conference since 2000, I am currently on the NAACP National Board of Directors and have served as a branch president in Miami and Opa-Locka for 13 years. Mr. Chairman, Members of the Subcommittee, I was born and reared in the Miami area, and I am a Florida girl from my heart, and I must tell you that in all my years of community activism in Miami and throughout the State, that the mistreatment of African American youth by the State of Florida is perhaps the one issue that has raised the most concern, the most anxiety and the most outrage among African Americans throughout the State.

Black Floridians are outraged that the State continues to neglect, harm and even kill our youth and to appear to get away with it. I am therefore here today to ask you to use your oversight powers to urge the United States Department of Justice to launch a thorough investigation of the State of Florida's Juvenile Justice System. It is incumbent upon the Federal Government to ensure that the rights of Florida's children are protected. And from our point of view, it does not appear they are.

According to the latest data, while just over 21 percent of Florida's children are African American, more than 42 percent of the children who are involved in the Florida Department of Juvenile Justice in fiscal year 2006 were Black. Similarly, while just over 32 percent of all of Florida's children are racial ethnic minorities, more than 55 percent of those involved in DJJ in 2006 were children of color. This disparate amount means that the NAACP and all Floridians concerned about the civil rights of our children is disproportionately concerned about how our younger citizens are treated by the Florida DJJ.

Every day it seems the Florida NAACP unit receives a complaint about a child in Florida's Juvenile Justice System who is being abused, harmed or neglected. Perhaps the best known case of the mistreatment of our youth in recent years is the case of Martin Lee Anderson. In 2006, Martin was a 14-year-old. Of course, you have gone over that and you know that story. The ending of that story, however, is that there is now an investigation by the Federal division. We hope that that will be coming to some resolution, that would be responsive to the issue. At first, the official State autopsy determined Martin had died as a result of complications from sickle cell anemia. However, a second autopsy done at the request of Martin's family in conjunction with the NAACP found that Martin had died of suffocation due to the action of the guards.

What made Martin's death unique is not that he died at the hands of State officials while in their custody but that his death was videotaped, which enabled the entire world to witness the beating, torture and eventual killing of a 14-year-old boy. For your information, the video can be seen at the NAACP Web site at www.naacp.org.

I would like to take and say at this point that the U.S. Department of Justice through Mr. Thomas L. Battles, a regional director of DOJ's Community Relations Service, has provided the NAACP with invaluable assistance throughout the Martin Lee Anderson case, specifically Mr. Battles and his office provided vital technical assistance to us as he planned marches, protests and town hall meetings.

And finally, as you know, the result is what it was: The legislature in April of 2006 passed the Martin Lee Anderson Act closing the State's five juvenile boot camps. The legislation was signed into law by then Governor Jeb Bush on July 1, 2006. I would hasten to say, however, that this legislation only affected the State-run juvenile boot camps. What we must understand is that privately run State-funded juvenile detention facilities are still plagued by abuse and neglect. And the people who are suffering the most are our children. This was too late for Martin; as well as for Willie Durden, who died at age 17 at Cyprus Creek Juvenile Correction Center; Omar Paisley, who died at age 17 at the Miami-Dade Regional Juvenile Detention Center; Daniel Matthews, who died at age 17 at Pinellas Regional Juvenile Detention Center; Brian Farmer, who died at age 17 at the Okeechobee Officer Correctional Center; Shawn Smith, who died at age 13 at the Volusia Regional Detention Center; and Michael Wiltise who died at age 12 at camp E-Kel-ETU in Marion County, Florida. All of these young men, these children, died between 2000 and 2006 while in the custodial care

of the State of Florida. It is important to me that we state the names of each of these young people for the record as their deaths are quickly becoming forgotten, just like them. The juvenile justice system in Florida has the unfortunate habit of dehumanizing the children who were sent there just when they need to be shown care, love and attention and taught that they are worth something.

And so I thank you, Mr. Chair, Members of the Subcommittee, the others who have worked so hard to try to make sense not only of Martin's death as well as other children who have died in custody. As president of the Florida NAACP as well as an educated mother and grandmother, I am committed to working with you to ensure that every American youth, regardless of their race, is given a decent chance. Thank you again. I will be happy to answer any questions.

[The prepared statement of Ms. Nweze follows:]

PREPARED STATEMENT OF ADORA OBI NWEZE



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**STATEMENT OF MS. ADORA OBI NWEZE
PRESIDENT
FLORIDA STATE CONFERENCE OF NAACP BRANCHES
BEFORE THE HOUSE JUDICIARY
SUBCOMMITTEE ON CRIME, TERRORISM AND HOMELAND SECURITY
HEARING ON OVERSIGHT OF STATE-RUN JUVENILE CORRECTIONAL
FACILITIES KNOWN AS "BOOT CAMPS"**

December 13, 2007

Good afternoon, Mr. Chairman, members of the subcommittee, and distinguished guests. My name is Adora Obi Nweze and it is my honor to be here today in my capacity as President of the Florida State Conference, NAACP. With more than 50 NAACP units in the state of Florida, we are proud to represent and pursue the civil rights interests of all Floridians of color throughout the state.

In addition to serving as President of the Florida State Conference since 2000, I am currently on the NAACP National Board of Directors and have served as a Branch President in Miami and Opa-Locka for 13 years.

Mr. Chairman, members of the subcommittee, I was born and reared in the Miami area and I am a Florida girl from the heart. And I must tell you that in all my years of community activism in Miami and throughout the state that the mistreatment of African American youth by the State of Florida is perhaps the one issue that has raised the most concern, the most anxiety, and the most outrage among African Americans throughout the state.

Black Floridians are outraged that the State continues to neglect, harm and even kill our youth and appear to get away with it.

I am therefore here today to ask you to use your oversight powers to urge the United States Department of Justice (DoJ) to launch a thorough investigation of the State of Florida's Juvenile Justice system. It is incumbent upon the federal government to ensure that the rights of Florida's children are being protected, and from our viewpoint it does not appear that they are.

According to the latest data, more than 42% of the children who were involved in the Florida Department of Juvenile Justice (DJJ) in fiscal year 2006 were African Americans, and more than 55% were racial or ethnic minorities¹. This disparate amount means that the NAACP, and all Floridians concerned about the civil rights of our children, is disproportionately concerned about how our youngest citizens are treated by the Florida DJJ.

Every day, it seems, a Florida NAACP unit receives a new complaint about a child in Florida's Juvenile Justice system who is being abused, harmed or neglected. Perhaps the best known case of the mistreatment of our youth in recent years is the case of Martin Lee Anderson, in 2006. Martin was a 14-year-old African American boy who lived in Panama City, FL. and had some minor infractions with the law. His subsequent detainment by the Florida DJJ resulted in his death. Despite the outcry that occurred as a result of Martin's death and the mishandling of the case from the beginning by the State of Florida, and the fact that the boot camps have been closed, the problems within the system still exist.

On January 5, 2006, within the first two hours of his first day at the Bay County Boot Camp, camp officials forced him to continue exercising after he stopped to catch his breath. Drill instructors grabbed Martin and applied numerous uses of force, including holding him by the arms, throwing him to the ground, sitting on his chest and covering his mouth while forcing him to inhale ammonia. Frankly, these moves are much more consistent with the interrogation techniques being used in Iraq and Afghanistan and currently under debate in Congress than the acceptable treatment of an errant youth in the United States of America. Martin became unresponsive during this episode, and eventually died the next day.

At first, the official state autopsy determined Martin had died as a result of complications from sickle cell anemia. However, a second autopsy done at the request of Martin's family and in conjunction with the NAACP found that Martin had died of suffocation due to the actions of the guards.

What makes Martin's case unique is not that he dies at the hands of state officials while in their custody, but that his death was videotaped, which enabled the entire world to witness the beating, torture and eventual killing of a 14-year old boy. For your information, the video can be seen at the NAACP website, at www.naacp.org.

I would like to say at this point that the US DoJ, through Mr. Thomas L. Battles, the Regional Director of the DoJ's Community Relations Service, has provided the NAACP with invaluable assistance throughout the Martin Lee Anderson case. Specifically, Mr. Battles and his office provided vital technical assistance to us through marches, protests, and town meetings.

¹ "A Profile of Florida Delinquency FY 2002/2003 - 2006/2007." Florida Department of Juvenile Justice Office of Research & Planning

Finally, on November 28, 2006, more than 10 months after Martin Lee Anderson was killed, seven guards and a nurse were arrested and charged with aggravated manslaughter of a child. After a two-week trial, even with the horrific video detailing the abuse and torture, all eight were found not guilty.

If there has been any justice in the death of Martin Lee Anderson, it has come from the Florida legislature. In April 2006 the Legislature passed the "*Martin Lee Anderson Act*" closing the state's five juvenile boot camps. The legislation was signed into law by then-Governor Jeb Bush on June 1, 2006.

I would hasten to say, however, that this legislation only affected the state-run juvenile boot camps. What we must understand is that privately-run, state-contracted juvenile boot camps are still operating in the state of Florida.

This was too late for Martin, as well as for Willie Durden, who died at age 18 at the Cyprus Creek Juvenile Correction Center; Omar Paisley, who died at age 17 at the Miami-Dade Regional Juvenile Detention Center; Daniel Matthews, who died at age 17 at Pinellas Regional Juvenile Detention Center; Brian Farmer, who died at age 17 at the Okeechobee Officer Correctional Center; Shawn Smith, who died at age 13 at the Volusia Regional Detention Center; and Michael Willitse, who died at age 12 at Camp E-Kel-ETU in Marion, Florida. All of these young men, these children, died between 2000 and 2006 while in the custodial care of the state of Florida.

It is important to me that we state the name of each of these young people for the record, as their deaths are quickly becoming forgotten, just like them. The Juvenile Justice System in Florida has the unfortunate habit of dehumanizing the children who are sent there, just when they need to be shown care, love and attention and taught that they are worth something.

And so I thank you, Mr. Chairman, members of the subcommittee, and the others here who have worked so hard to try to make sense of Martin's death as well as the deaths of these other children.

As the President of the Florida NAACP, as well as an educator, a mother and a grandmother, I am committed to working with you to ensure that every American youth, regardless of their race, is given a decent chance. Thank you, again; I would happily take your questions.

Mr. SCOTT. Thank you.

Our normal procedure is to hear from all witnesses before we respond to questions, but because we are 2 hours late and Ms. Nweze has to leave, we will go out of order. And if people have specific questions for her, we will entertain those at this time.

And I just have one. The Florida NAACP has received many complaints for the juvenile system. Is that from boot camps only or from other parts of the juvenile system?

Ms. NWEZE. It is including all of the facilities, not only boot camps but certainly the detention centers, some who—residential as well as day programs.

Mr. SCOTT. Thank you.

Mr. Gohmert.

Mr. GOHMERT. Well, thank you. And it is an honor to have someone who has dedicated their life to helping others so much as you have.

I was a little concerned when I—in your statement earlier, you said you were concerned about the children of color and the mistreatment of African American youth. So I was relieved to hear at the end when you said you were concerned about every American youth, regardless of race. And we appreciate—obviously your life speaks volumes about what you have done to try to help others. And we may disagree about ways to try to help them. But clearly you have a heart for helping others. And I thank you for being here.

Mr. SCOTT. Thank you. Mr. Conyers.

Mr. CONYERS. Thank you very much.

Do we need boot camps?

Ms. NWEZE. Well, research has shown that they don't work. They really don't work as they are presently structured.

Mr. CONYERS. Because we have got enough wrong with the criminal justice system and youth, and the juvenile system tacked on becomes another huge part of the problem.

Ms. NWEZE. Right.

Mr. CONYERS. And of course, it is all people involved, but it is Black people mostly the victims. Now, let's not fly out of here thinking that we don't know that.

Ms. NWEZE. Right.

Mr. CONYERS. And so the question for me—and then this Committee has, goodness knows, a big job. But this is a small, tiny part of our examination of the criminal justice system.

I want to hear the case for boot camps. And I am trying to be neutral about it, but I haven't been around here this long being neutral. It comes out of a misguided theory. And I don't expect you to be able to go into this. But I want everybody to follow this with me, and that is why we are on television—

Mr. SCOTT. I think our next witness will have a lot to say about boot camps.

Mr. CONYERS. We want to get down—this is not a meeting to find out how to improve boot camps. I mean, do they have a worthwhile purpose or not? And to me, that is the jumping-off point. And so I join in with the commendations of the Ranking Member of the Committee to thank you for your testimony.

Ms. NWEZE. Thank you.

Mr. SCOTT. The gentleman from North Carolina.

Mr. COBLE. Thank you, Mr. Chairman. I will be very brief. I want to put a question to the witness.

Good to have you all with us, by the way.

If she doesn't know the answer, maybe I will submit the question to the Chair. Boot camps are operational in how many States? Does anyone know that?

Mr. SCOTT. Approximately 20 right now.

Mr. COBLE. Twenty?

Mr. SCOTT. I think.

Mr. COBLE. And Ms. Nweze, I will assume logistically the way it works, a person is prosecuted and convicted, and then, at that point, the court of jurisdiction assigns the offender or the defendant to a boot camp? Is that the way it goes logistically in Florida?

Ms. NWEZE. I am sorry. I didn't understand your question. I heard you. But you need to repeat it so I am sure.

Mr. COBLE. I said logistically a juvenile is prosecuted and convicted. And upon his conviction, I presume the court of jurisdiction would then assign the defendant or the convicted defendant to an appropriate boot camp. Is that the way it works?

Ms. NWEZE. Generally, yes.

Mr. COBLE. Okay. I have no further questions.

Mr. SCOTT. Thank you, Ms. Nweze, for your testimony and for your responses. I regret that we had to—we were so late getting started because of votes on the floor. But I appreciate your work on this issue, on the State NAACP and on the national board. I have seen you at many conventions, and it is good to see you today.

Ms. NWEZE. Yes, sir. Thank you, sir.

Mr. SCOTT. Thank you.

Professor MacKenzie.

**TESTIMONY OF DORIS MacKENZIE, PROFESSOR,
UNIVERSITY OF MARYLAND, COLLEGE PARK, MD**

Ms. MacKENZIE. I am honored to be here. I thank the Committee, Subcommittee for inviting me.

I began studying correctional boot camps in 1987. And when I talk about correctional boot camps, I am including both camps for both juveniles and adults. At that time, I was awarded a grant from the National Institute of Justice, and I have continued to study them since that time. Most recently, the University of Maryland was awarded a grant, and I studied the correctional boot camp for adults at Maryland. I have then had the opportunity to visit a large number of these camps to observe activities; to consult with staff, administrators and juveniles; review evaluations; collect data. I have visited programs for males and females; for juveniles and adults; and in Federal, State and local jurisdictions.

Beginning my research on the boot camps, I began by asking people what they expected to be accomplished by the boot camps. They had many goals. But the primary goal was always—almost always—recidivism. So I began studying the recidivism and most recently have done a meta-analysis, examining all the studies that we could identify that have examined the outcome of recidivism of boot camps. They compared people that went to the boot camps, juveniles and adults, to people that had some other sentence or spent

time in a facility or in the community. This was a large number of juveniles and adults that were included in these studies. We only used studies that were considered to be adequate scientifically. So the research designed was strong. If the major goal of boot camps is to reduce recidivism, there is little reason to continue these programs. They do not reduce recidivism. This has been the continual result that I found from my earliest studies to this examination of all the studies that I could find in a meta-analysis. There is no evidence that they successfully reduced recidivism.

People do have other goals of the programs though. And so I have also tried to examine the other goals. One of them was to reduce prison crowding. People expected the programs to reduce prison crowding, partly because they would reduce recidivism, which of course they don't, but also by releasing the offenders and delinquents early if they took part in this rigorous boot camp program. The trouble is that many of the judges decide to send juveniles and adults to the boot camp instead of giving them an alternative community treatment. So instead of sending them to probation, they end up putting them into a prison, incarcerating them in the boot camps or net widening.

The other area that we studied in the boot camps was to look at the environment of the boot camps. We did find some positive results from the boot camps. If we look at the environments, the juveniles and staff evaluated the program as more positive, the boot camp programs. The trouble is, we were comparing them to the traditional facilities of the juveniles where there are large facilities, not small—not small programs, as they had for the boot camps. You also must remember, when we study in our lab in the boot camps, we are allowed in those that are probably less apt to prove to be abusive and have better trained staff.

I have just recently done a review of what works in corrections, looking at a large number of correctional programs, including the boot camps. I identified 284 studies that have adequate research designs. And that is very important because much research in corrections is very poorly done. I can conclude that programs that are based on control, punishment, strict rules, confrontations similar to boot camps or scared straight programs are not effective.

However, we do have programs that are effective. These are the programs that we have referred to as rehabilitation, education, drug court, drug treatment, cognitive skills programs. We do have programs that reduce recidivism. But boot camps are not something that reduces recidivism.

For years I have said we should consider boot camps because we could put therapy within the camps. But looking at the recent number of deaths and injuries in these camps, I have changed my mind, and I no longer support—I think it is too dangerous to continue with the boot camps. We don't have a justification.

[The prepared statement of Ms. MacKenzie follows:]

PREPARED STATEMENT OF DORIS MACKENZIE

Testimony of

Doris MacKenzie, Professor

Department of Criminology and Criminal Justice
University of Maryland
College Park, MD 20742

Provided for Hearing on

Oversight of State-Run Juvenile Correctional Facilities Known as "Boot Camps"

Subcommittee on Crime, Terrorism, and Homeland Security
2141 Rayburn House Office Building

1:00 PM Thursday,
December 13, 2007

Correctional boot camps as we know them today were started in adult prisons in 1983 in Georgia and Oklahoma. They rapidly spread throughout the nation, first to other adult systems and then to juvenile correctional systems. By 1995 the Bureau of Justice Statistics reported the existence of 52 state-level programs and three federal programs with more than 8,000 beds dedicated to adult offenders. In 2000 there were at least 70 boot camps in 26 states for adjudicated delinquents. When I talk about correctional boot camps, I am talking about programs for adult offenders and adjudicated delinquents (Koch Crime Institute 2001).

The most distinguishing characteristic of a correctional boot camp is the quasi-military atmosphere that resembles military basic training. Most programs include military dress and titles, drill and ceremony, a structured daily schedule of activities and rigorous physical exercise. As in military basic training, inmates often enter the camps in squads or platoons. There may be an elaborate intake ceremony where inmates are immediately required to follow the rules, respond to staff in appropriate ways, stand at attention and have their heads shaved. The participants are required to follow a rigorous daily schedule of activities. They arise early each morning and are kept active for most of the day. Staff are addressed by military titles. Punishment for misbehavior is immediate and swift and frequently involves some type of physical activity such as push-ups. A graduation ceremony often marks the successful completion of the program. Family members and others from the outside public may be invited to attend the ceremony.

The programs differ greatly in the amount of emphasis placed on rehabilitation versus physical training and hard labor (MacKenzie and Hebert 1996). Some programs devote a relatively large amount of time each day to therapeutic programming such as academic education, drug treatment or cognitive skills. In other camps inmates may spend the majority of their time in physical training, drill and work. Some programs provide reentry or aftercare services to assist participants with adjustment to the community. Boot camps for juveniles are required to provide educational programming during the school year.

Boot camps differ greatly particularly in the amount and type of therapeutic programming. These differences often reflect the goals of the boot camps. The heterogeneity among boot camps makes broad conclusions about the effectiveness of the boot camps problematic. Surveys of administrators and staff in the boot camps have found that the goals rated as most important are providing a safe environment, providing academic education, attempting to rehabilitate and reducing recidivism. Almost all surveys emphasized the goal of reducing recidivism.

I began studying these programs in 1987 when I was awarded a grant from the National Institute of Justice. Since then I have conducted research examining both adult and juvenile programs including multi-site studies of adult programs and a national study examining the environments of juvenile programs (MacKenzie and Armstrong 2004). In my role as the first researcher to complete evaluations of correctional boot camps I had the opportunity to visit a large number of boot camps to observe the activities, consult

with staff and administrators, review evaluations and collect data for our studies. I have visited programs for males and females, for juveniles and adults and in federal, state and local jurisdictions.

Evidence-Based Corrections

I have worked hard to make my research policy relevant. I strongly believe in evidence-based decision making in corrections. That is, strategies for reducing crime should be based on scientific evidence. By the term "evidence-based corrections," I refer to the need to use scientific evidence to make informed decisions about correctional policy (MacKenzie, 2002; MacKenzie, 2001, MacKenzie 2000; MacKenzie 2005; MacKenzie 2006). It is disappointing how seldom scientific research is used to inform decisions in corrections.

In studying the boot camps, I was particularly interested in whether the programs were achieving their stated goals. I did not limit my research to just examining the recidivism of those going into the boot camps because many jurisdictions want the camps to achieve a variety of goals. However, I begin by review the data on recidivism because almost everyone views this at the major goal of the programs.

Impact on Recidivism

My colleagues and I recently completed a systematic review and meta-analysis of correctional boot camp. We used the statistical technique of meta-analysis to examine the results of all studies we could identify that had examined the recidivism rates of boot camp releasees and compared these rates to a comparison group of offenders who did not participate in the boot camp (see MacKenzie, 2006 or http://www.campbellcollaboration.org/doc/pdf/Wilson_bootcamps_rev.pdf). We began the study by identifying all published and unpublished studies examining boot camps. To be included in the analysis the studies had to be evaluated as having a reasonable research design. We identified 25 studies of adult programs and 18 studies of juvenile programs. The results for the adult and juvenile samples are very similar (see attached figures). Few studies found any significant differences between the offenders or delinquents who went to the boot camp compared to those who spent time in some other program. The analysis indicated that the expected recidivism rates were almost identical. If the rate for the comparison group was 50 percent then the boot camp participants was estimated to be almost identical at 49.4 percent. Nine studies found boot camp participants had lower recidivism, eight found boot camp participants had higher recidivism but the majority of studies (27) found no difference between the two groups in recidivism. So at this point in time, there is no evidence that correctional boot camps are effective in reducing the future criminal activities of adults or juveniles.

Compared to other correctional programs, there is a fairly large body of research examining the impact of boot camps on recidivism. Furthermore, the quality of the studies based on the research design was fairly high. If the major goal of the boot camps

is to reduce recidivism then there is little reason to continue to use these programs in correctional settings. However, if the programs are designed to meet other correctional goals such as reducing the need for bed space and/or providing an acceptable mechanism for early release then more work needs to be done to examine whether the therapeutic components within a boot camp would be effective in reducing recidivism.

Reducing Prison Crowding

I have completed research examining other goals of the boot camps. Some camps are developed with the goal of reducing prison overcrowding (MacKenzie and Piquero 1994). My study examining adult programs and their effectiveness in reducing prison crowding suggests that most programs are so small given the size of the correctional population that there is little chance that the programs will reduce crowding. The only way crowding might be reduced is if the programs are used as early release mechanisms. However, many risk-averse criminal justice practitioners may use the boot camps as alternatives to probation or parole as opposed to using them for delinquents who would otherwise be detained in a facility. Thus, the danger is netwidening. That is, the net of correctional control will be increased because the juveniles will have to spend time in the boot camp instead of in the community on probation.

Environment of Boot Camps

As my colleagues and I visited boot camps we noticed that there were some positive things going on in the camps. Juveniles in the boot camps often seemed to have good relationships with the staff. They were certainly more physically fit. At times their attitudes seemed better than the attitudes of those in traditional facilities. For this reason we completed a study to examine the environment of boot camps relative to traditional facilities as perceived by the youth and staff in the facilities.

In 1997 when we started the study, we identified 50 privately and publicly funded secure residential boot camps for juveniles. Twenty seven camps agreed to participate in the project (54% of the total number of boot camps). There were 2,390 boot camp youth in the study (33 % Caucasian, 36% African American, 19 % Hispanic, 12 % other). For each boot camp we identified a traditional facility where the juveniles would have been incarcerated if they were not in the boot camp. These traditional facilities were the comparisons to the boot camps. One thousand five hundred sixty six youth in the traditional facilities participated in the study (31 % Caucasian, 33 % African American, 20 % Hispanic, 16 % other).

The youth in the boot camps perceived the boot camp more favorably relative to those in the traditional facilities. They reported generally feeling safer, and they perceived the environment to be more therapeutic and helpful. The boot camps were also perceived as more structured and placed more constraints on freedom for the juveniles. Youths in the boot camps did not experience more anxiety or depression. Based on observational information gained through site visits, I believe that these findings reflect the positive atmosphere of many but not all of the boot camps. Caucasians and Hispanics

who perceived the environment as positive in both the boot camps and traditional facilities developed more positive social attitudes while incarcerated. The same was not true for African American youth, they did not change.

There is concern that the boot camp environment may be particularly detrimental for youth with abuse histories. We did find that juveniles in the boot camps who had a history of abuse had more difficulties in the boot camps suggesting the camps may be ineffective and potentially detrimental to persons with a history of family violence.

What Works in Corrections

Since their beginning the boot camps have been controversial. Advocates argue that the atmosphere of the camps is conducive to positive growth and change. From their perspective, the camps provide a positive atmosphere that will force participants to confront past misbehavior, admit the errors of their ways and change in ways that will result in less criminal activity in the future. Other advocates believe that the strict discipline and physical exercise will “straighten-out” these wayward youth.

Critics of the camps take a very different view of the effect of the military basic training atmosphere. They argue that many of the components of the camps are in direct opposition to the type of relationships and supportive conditions that are needed for quality therapeutic programming. According to them the confrontational atmosphere of the camps is antithetical to constructive therapy. Behavioral therapy and the use of rewards and punishments to change behavior require substantial clinical knowledge and training. Few boot camp staff have the prerequisite training and experience, and so they will not be able to develop programs that successfully change the behavior of inmates. Furthermore, the confrontational interactions may be reminiscent of previous abusive situations for those who have been abused in the past. They may respond with extreme stress or helplessness – reactions that may inhibit their participation in therapeutic programs even if such programs are provided within the boot camp.

In my recent book examining “What Works in Corrections,” I completed reviews of the research, systematic reviews and meta-analyses of various correctional strategies and programs. I identified 284 studies examining various correctional strategies and programs. Programs such as academic education, cognitive skills programs designed to change attitudes and thinking, drug treatment and drug courts were effective in reducing the recidivism of offenders. Interventions focusing on punishment, deterrence or control such as Scared Straight, arrests for domestic violence, intensive supervision, electronic monitoring and boot camps were not effective in reducing recidivism. Other ineffective programs appear to have little theoretical focus (e.g., some types of sex offender treatment, residential facilities for juveniles).

An interesting finding emerged when I compared the effective programs to the ineffective programs. Almost all of the effective programs focused on individual-level change. In contrast, the ineffective programs frequently focused on developing opportunities. For example, the cognitive skills programs emphasize individual-level

changes in thinking, reasoning, empathy and problem solving. In contrast, life skills and work programs, examples of ineffective programs, focus on giving the offenders opportunities in the community. Based on these observations, I propose that effective programs must focus on changing the individual. This cognitive transformation is required before the person will be able to take advantage of opportunities in the environment. Thus, correctional programming should focus first on bringing about an individual transformation and then provide opportunities in the community.

Should Boot Camps Continue? My Opinion.

I am worried about whether boot camps should continue. My research clearly demonstrates that there is no reason to continue the camps if the major goal is a reduction of future criminal activities. **BOOT CAMPS DO NOT REDUCE RECIDIVISM!** I believe the research is clear on this. My research does show some benefits to the camps particularly related to physical fitness and positive environments. However, the camps I was permitted to enter to study were probably the better camps. I would guess that these camps had better trained staff and had more therapeutic programming.

The question that arises is whether the camps should continue with an increased emphasis on therapeutic programming. At one time I believed that this was a reasonable decision given the research. However, today I would not agree. I think the danger of the camps is too great. I have seen too many news articles and media reports of injuries and deaths. There is too much chance that these camps will have poorly trained staff who are not knowledgeable enough about the physical and mental stress experienced by juveniles in these programs. To my knowledge we do not know if the injuries and deaths in the boot camps are comparable to those in traditional facilities. We need research on the number and types of injuries per participant that have occurred in these camps compared to the number and types that occur in traditional facilities. Maybe the media reports are focusing on the boot camps because they make interesting visuals for television. We also need empirical data on the training of the staff who are responsible for the incarcerated juveniles.

Therapeutic treatment of offenders and delinquents is effective in reducing later criminal activities. Research evidence clearly shows the type of programs that are effective. We need to use the results of this research to develop programs that have the characteristics of effective programs.

In the future, we should design small correctional programs for juveniles that include physical activities and structure but these do not have to use the military basic training model. We should make use of the research that demonstrates that we do have effective correctional programs. Research evidence exists to show the type of programs that are effective. These programs are what would be considered rehabilitation programs and not programs designed to scare, deter or control wayward youth.

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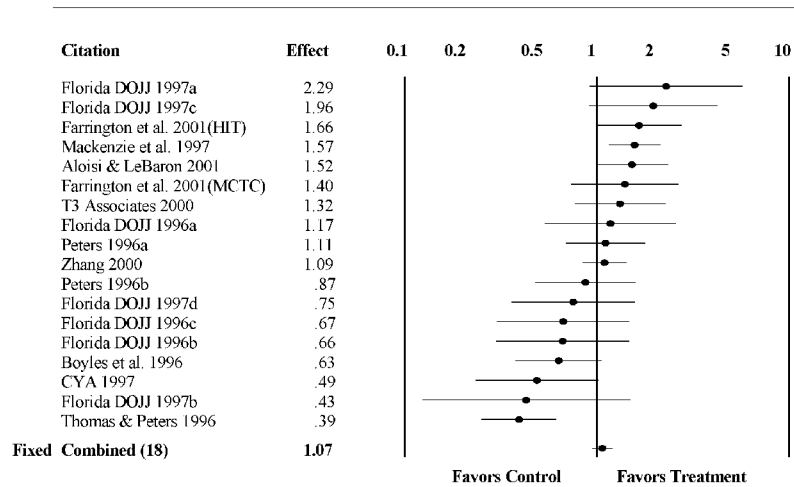
From *What Works in Corrections* (MacKenzie 2006)

Table 15.1 Programs, interventions and strategies examined in this book showing the chapters, intervention, numbers of evaluations, numbers of evaluations scored 5, numbers scored 2 and conclusions regarding the effectiveness of the programs.

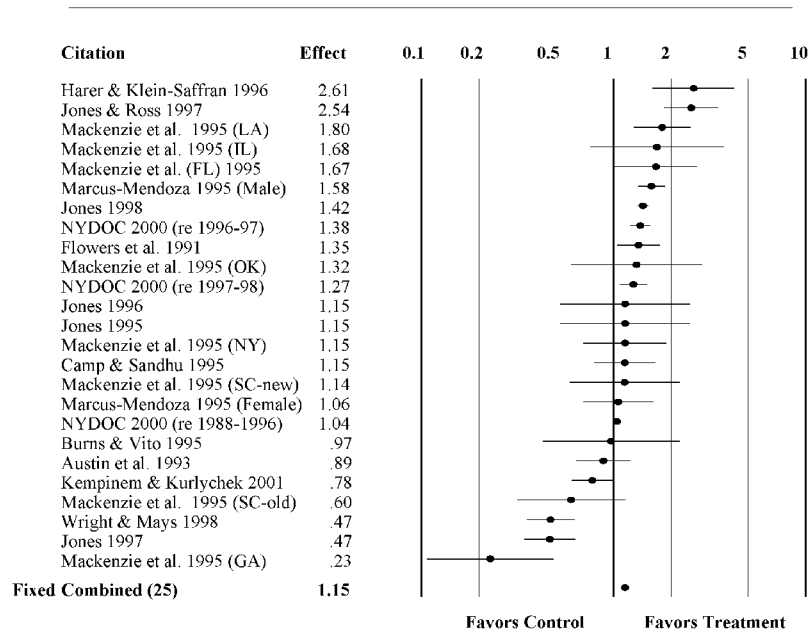
Chapter in Book	Program/ Intervention/ Strategy	Studies Reviewed N=	Studies Scored 5 N=	Studies Scored 2 N=	Effective?
Education	Academic Ed	25	1	12	Yes
Education	Life Skills	5	0	1	No
Work	Vocation Ed	18	2	2	Yes
Work	Correctional Industries	4	0	2	No
Work	Work/Multi-Component	8	2	2	No
Cognitive Behavior	Moral Reconciliation Therapy	8	0	4	Yes
Cognitive Behavior	Reasoning and Rehabilitation	8	0	0	Yes
Cognitive Behavior	Cognitive Restructuring	9	0	0	Yes
Sex Offender	Cognitive Behavior	15	1	8	Yes
Sex Offender	Behavioral	4	0	1	Yes
Sex Offender	Hormonal/Surgical	6	1	2	Yes
Sex Offender	Psychosocial	3	0	3	No
Juvenile	Multi-Systemic	8	7	1	Yes
Juvenile	Residential Treatment	7	1	2	No
Juvenile	Community Supervision	11	3	2	No
Domestic Violence	Feminist	6	1	1	No
Domestic Violence	Cognitive Behavior	6	1	2	No
Domestic Violence	Arrests	9	9	0	No
Drug Courts	Drug Courts	32	2	5	Yes
Drug Treatment	Community	7	1	2	Yes
Drug Treatment	Incarceration-Based	29	1	10	Yes
Boot Camps	Adult Boot Camps	14	0	1	No
Boot Camps	Juvenile Boot Camps	17	3	0	No
Intermediate Sanctions	Intensive Supervision	16	3	2	No

Chapter in Book	Program/ Intervention/ Strategy	Studies Reviewed N=	Studies Scored 5 N=	Studies Scored 2 N=	Effective?
Intermediate Sanctions	Electronic Monitoring	9	3	1	No
TOTAL		284	42 (14.8%)	66 (23.2%)	

Juvenile Boot Camp Programs



Adult Boot Camp Programs



Mr. SCOTT. Thank you very much, Professor MacKenzie.
Representative Gibson.

**TESTIMONY OF AUDREY GIBSON, STATE REPRESENTATIVE OF
FLORIDA, DISTRICT 15, JACKSONVILLE, FL**

Ms. GIBSON. Thank you, Mr. Chair, and Members of the Committee. And certainly I want to thank my congresswoman for inviting me today.

I want to cover a couple of points that I kind of took out of my testimony. First and foremost, I want to make sure that it is known that I don't believe in coddling criminals. I do believe in personal responsibility, but I believe that it has to be taught. And I don't think that boot camps in any way, shape or form teach that to our young people.

I also think that the best opportunity we have to reduce our increase in our corrections systems throughout the United States is by rehabilitating juveniles. I think that we all know that the African-American population is over represented in our corrections system for adults as well as juveniles. And so therein lies, I think, the comments that there is great concern for African American children while there is concern for all children.

I don't think that there is enough mental health programming within the confines of a boot camp. And largely, most of these children that go into boot camps are poor children; their health has not been monitored over the years; and so they go into a program that primarily focuses on rigorous physical activity.

The other issue has to do with it being run by sheriffs' offices, or as was stated earlier, it is a State-run type of program, which doesn't in my mind mean that we shouldn't have national outcry, but we certainly should have standards or should have had, because I certainly don't believe or support the continuation of boot camps. But there has to be—or there should have been, I am sorry, a standard of training within the facilities so that we did not have the deaths that we have had. And that not only includes the medical component, which has been insufficient, but also the personnel who are used to handling adults and not children. And certainly that is what those young people are; they are developing children.

I think it is far better or we are far better served if we do have programs like multisystemic therapy, which we utilize in Florida. And I think they also utilize it in Mississippi, if I am not mistaken. Functional family therapy, because taking a juvenile into a setting that doesn't include making sure that the family is treated, if you will, it doesn't complete the cycle. And so in order to recognize reduced recidivism rates, then we need to certainly include the family and, as was mentioned earlier, make sure that there is an educational component; there is an employment training component. Because we are trying to prepare the person—this young person who has gotten into trouble—not to go into the correctional system. We are trying to prepare that person to come back and be productive in the community. And boot camps certainly do not do that. In terms of the dollars being spent being State dollars, if you will, I wrote a note that certainly there are Federal dollars that fund juvenile justice programs. And those dollars that are State dollars may be used as a match to draw down those dollars from the Fed.

And in looking at whether or not someone wants to continue boot camps or not, recognize the national importance of this issue, certainly we shouldn't be using State dollars as match dollars to draw down Federal dollars if any of the State dollars are going to be used for boot camps as we continue on. Let's see.

As I said before, as my time runs out, I think we are far better served, and we have far more statistics that show prevention programs work, therapy programs work, wilderness programs even, like Outward Bound, where a young person can find out where their strengths and talents lie and then draw on those to take them through life. We have a high murder rate going on right now in Jacksonville. And I think it certainly involves a lot of our young people. I think adults as well as children could certainly benefit from the inclusion of conflict resolution in any program. And with that, I thank you very much.

[The prepared statement of Ms. Gibson follows:]

PREPARED STATEMENT OF AUDREY GIBSON

Testimony
of
State Representative Audrey Gibson-District 15, Jacksonville, Florida
to
The Subcommittee on Crime, Terrorism, and Homeland Security
Hearing on Oversight of State-Run Juvenile Correctional Facilities Known As
“Boot Camps”
December 13, 2007

I would like to thank my Congresswoman, Corrine Brown for the invitation, and the Committee for the privilege to come before you today on this most important issue.

As a member of the Florida House of Representatives Juvenile Justice Committee since 2003, and a degree holder in Criminology from Florida State University, the issue of juvenile justice is of particular interest to me, and continues to be an area of great passion and concern.

Today, I have been asked to focus my testimony on utilization of boot camps with an eye toward the following: Why wasn't proper research done prior to the implementation of boot camps in Florida? Why was implementation of boot camps without research bad policy? What is my personal stance on boot camps?

As to the question of implementation without proper research, unfortunately I cannot for certain determine the mindset of the Secretary of the Juvenile Justice department at the time, nor am I aware of why funding was approved by the committee which would have been responsible for reviewing the agency budget. It appears that several states including Florida, saw boot camps as a way of reducing incarceration costs as adult boot camps first, which in turn led to the establishment of juvenile boot camps. Boot camps offered a cost reduction as the “sentence” was for a short period of time, and a partnership approach allowed for the utilization of the facilities of another entity resulting in less expenditures for beds.

At the time Florida bought into the juvenile boot camp idea, roughly 1993, one was started which quickly escalated into six without sound collection of data, clear goals, and accountability. Even in a 1995 study of Florida boot camps by the State of Florida Office of Program Policy Analysis and Government Accountability, questions were raised as to goals, and no data was being collected on recidivism. However, as early as 1997, the federal Office of Juvenile Justice and Delinquency Prevention, released a report largely showing boot camps as a relatively unsuccessful model of recidivism reduction, and that academic gains did not reach must past the walls of the camp.

Testimony of State Representative Audrey Gibson-District 15 - Jacksonville, Florida
To the Subcommittee on Crime, Terrorism, and Homeland Security
Hearing on Oversight of State-Run Juvenile Correctional Facilities Known As "Boot Camps"
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Knowing that outcomes were not favorable or not accessing data indicating such, continuing boot camps in the blind was bad policy in that the department's purpose is not only one of incarceration, but rehabilitation that works best to reduce recidivism.

Clearly if there is no sound basis for establishment or continuation of such a program, or there exists evidence that does not show significant positive results, then there is no precedence to neither implement nor fund such a program. To move forward then, is tantamount to jumping out of a plan without a parachute and is an ineffective use of public dollars.

Further, the establishment of juvenile "military" style boot camps, flies in the face of reason.

First, the participants are children, and while they committed offenses they should not have, they are still developing children, who are being rehabilitated to return to everyday life, not war.

Secondly, many of those coming into the juvenile justice system are poor minority children, who most likely have not regularly seen a medical provider except for immunizations necessary for school. Therefore, physical or mental health deficiencies have not been evidenced prior to the implementation of rigorous daily physical activity. And while the boot camp was military style model, the health screening was not.

Third, while the Department of Juvenile Justice provided a portion of the funding to the camps, no training, nor treatment standards were specified in exerting control over the juveniles "farmed" out for service. And there are different handling modalities for juveniles as compared to adults.

Personally, I am opposed to boot camp models. Far better results have been shown in community prevention programs, in wilderness programs such as Outward Bound, and in multi-systemic and functional family therapy, than any boot camps have ever shown.

For many children entering the system, there are serious family issues which precipitated their contact with the department of Juvenile Justice, including foster care, abuse, molestation and a myriad of mental health issues. Boot camps and the brief fragmented after-care services, fall wholly short of offering children the full range of services needed to overcome such obstacles and come back to exist in a real world environment. I believe that our children are better served without them, and funding is better utilized in results based accountable, methods.

I thank you for listening.

Mr. SCOTT. Thank you, Representative Gibson.

Now we will have rounds of questions from Members. We will limit ourselves to the 5 minutes. And I will recognize myself first.

Professor MacKenzie, just on the question of recidivism, you indicated on several occasions that there is no reduction in recidivism at boot camps compared to other facilities. You also have suggested that boot camps, like their sister programs at military schools, are not conducive to assisting teens to make and keep long-term change. Is that accurate? And if so, could you expand on that?

Ms. MACKENZIE. That is accurate for the boot camps, the adjudicated delinquents and offenders, there is no evidence—the overall evidence is that they do not reduce recidivism. They don't change the delinquents so that they don't continue in criminal activity.

Mr. SCOTT. In terms of safety, did you study the safety of the boot camps?

Ms. MACKENZIE. We studied the perceived safety of the boot camps from the perspective of juveniles in the camps and staff. And we compared that to traditional facilities and safety. The juveniles in the boot camps felt they were safer in most areas. I think that reflects the fact that the strict rules keep them from being hurt by other juveniles in the facility. They were, however, more afraid of staff. So there was some fear of staff.

Mr. SCOTT. Well, Ms. Gibson, many children have died in boot camps. Is there a difference in the death rate at boot camps as opposed to other facilities?

Ms. MACKENZIE. That is really where we need some research. We do not have that research. The other thing is, we don't really have a very good handle on how many boot camps are still there because there are State boot camps, but there are also many that are run by local jurisdictions. So we need to know where they are and then compare the injury and death rates in the camps to the other facilities where these young people would be.

Mr. SCOTT. You mentioned local, local government-run. What about privately run?

Ms. MACKENZIE. And there are also privately run, usually contracted with government.

Mr. SCOTT. And we don't know whether or not there is a difference in private or local-run facilities in terms of safety?

Ms. MACKENZIE. As far as their reported safety, we did not find any differences between the juvenile programs that were run by public or private, not for profit.

Mr. SCOTT. And if there is no difference in recidivism, are the boot camps cheaper than the alternatives?

Ms. MACKENZIE. The boot camps are only cheaper if the people are released after serving a shorter period of time. And the concern here is net widening. Many of the judges make the decision to send someone into the boot camp instead of an alternative, like probation. That makes it much more expensive. So some State systems for adults have used it to reduce their prison population. New York State in particular because of the Rockefeller drug laws has used their boot camp for adults to release people earlier. They reported some savings. But they have an enormous number of people that they put through the boot camp in a year, 5,000. In comparison,

the small programs run for juveniles are probably not saving any money.

Mr. SCOTT. Thank you.

Representative Gibson, you serve on the Juvenile Justice Committee. Is that a subcommittee in the Statehouse?

Ms. GIBSON. Yes.

Mr. SCOTT. You have gotten rid of all of the State-run boot camps. What happens to children now that would have been sentenced to a boot camp?

Ms. GIBSON. They are either house arrested—because boot camps in Florida were for nonviolent offenders. And so they are either house arrested or probation, community probation or detention centers.

Mr. SCOTT. Has anyone ascertained whether or not there has been more or less crime as a result of the closing of the State-run boot camps?

Ms. GIBSON. Not that I am aware of.

Mr. SCOTT. What can be done to make these boot camp—if we are not having boot camps, what can be made to deal with the safety of the children? Professor MacKenzie, we are still having some boot camps. Is there anything that can be done to enhance the safety?

Ms. MACKENZIE. Have strict requirements about the need for training the staff would be one of the first things. I think that, from my experience, many of the staff were not well trained to identify stress and physical and mental stress that the juveniles face in these boot camps. And I am very worried about how long the staff has training. I mean, it is very short periods of time. They are often given—they participate in some kind of training activity. And that just won't give them what they need.

Mr. SCOTT. Thank you. My time has expired.

Judge Gohmert.

Mr. GOHMERT. Thank you, Mr. Chairman.

And let me just mention, our Chair of the Committee has stepped out. But he was going to address, he had indicated he wanted to hear evidence on both sides. And I can tell you, Mr. Chairman, we had tried to get some of the witnesses from programs that I am aware of in Texas that have had a good deal of success. And since we were not able to offer their airfare or travel expenses to get here, they didn't have the wherewithal to do so. They operate on tight budgets and just could not make the transition; plus they have small staffs, and it is difficult when you take somebody out for 2 days and it is not completely job related to what they are doing. But there is evidence out there, and I hope we will have a chance to get some of that additional evidence before the Committee.

Dr. MacKenzie, you made the statement that—and in your written statement, it is in all capitalized letters, boot camps, “do not reduce recidivism,” and you went a step further here. And in your written statement, you said, “I believe the research is clear on this.” you went a step further than that, and always understand as I do that testifying falsely here is a crime. And I guess the old judge comes out when somebody makes a statement that is so bold. You went beyond that. You said, “There is no evidence they reduce

recidivism.” so since I am familiar with some places where they have reduced recidivism, let me just ask you, are you not aware of one single boot camp anywhere in the Nation that has actually reduced recidivism?

Ms. MACKENZIE. I am aware of some boot camp studies that have shown a reduction in recidivism.

Mr. GOHMERT. I am talking about one boot camp anywhere in the country that itself reduced recidivism amongst those who have come through that boot camp.

Ms. MACKENZIE. The studies study a particular boot camp. So, yes, I would know—I do know of—offhand, I can’t tell you exactly which States. But I can tell you, yes, there were some. And in the testimony, I reported that some did have lower recidivism from—

Mr. GOHMERT. And it seems, and you pointed this out in the study, it seems like—in those that have had some success, usually they incorporate more than just a physical regimen. They use the education and training, and the life skills has not always been terribly helpful, but there is a dimension of that that can be. And I wanted to be sure if you were aware of those or not. But you also said you were allowed in boot camps that were less apt to be abusive. Did you make attempts to be in boot camps you knew were more abusive?

Ms. MACKENZIE. We attempted to go into every juvenile boot camp that was in existence when we started the study of the environments of juvenile boot camps.

Mr. GOHMERT. Is that just in Florida or all across the country?

Ms. MACKENZIE. Across the country.

Mr. GOHMERT. That is a lot of boot camps. You made an inquiry—

Ms. MACKENZIE. I gave the numbers in here. It was about 48 or 49 boot camps at that point that we could identify.

Mr. GOHMERT. Okay. Well, then, I notice the most recent study that you cited I think was 2001. Have you reviewed any study since then that are being cited?

Ms. MACKENZIE. Reviewed studies for the recidivism or—

Mr. GOHMERT. Well, the studies that were cited had the most recent ones. There were a couple of them I think that were 2001. Those were the studies that were cited as footnotes to your statement. Did you have any other opinion to your statement of other studies?

Ms. MACKENZIE. The studies in the meta-analysis that we conducted, we conducted the meta-analysis 2 years ago. That is referenced on—

Mr. GOHMERT. Okay. My time is—okay. Thank you.

But I do want to ask Representative Gibson—and thank you for coming. I know it is a hardship for anybody that comes up here and especially when you sit around like this for us. But I was concerned that it appears that Florida legislature has taken the step—and you have made indications of things that concerned you that, you know, the abuses obviously should require some action. But I just want to ask you, is the Florida legislature incapable of addressing boot camp problems unless the Federal Government tells you what and how to do?

Ms. GIBSON. Thank you for your question. I believe that what Florida did was change from a boot camp model to something called star academies. However, we had no takers with the change in the structure even though the dollar amount was there. And of course, it is a shared program between usually a sheriff's department and the State. And the reason we had no takers is because of the training. There is a different kind of training required to be a sheriff as it is to be over juveniles. There are different takedown methods taught and other kinds of training that individuals need to have when they work with juveniles. So we had no takers for the program.

Mr. GOHMERT. Okay. Thank you. But you feel like Florida could handle and legislate requirements for its own boot camps is really—or did you need the Federal Government to tell you how to do that?

Ms. GIBSON. Let me go back to what I believe I said in my initial comments, and if I didn't, I certainly meant to; that I believe that the issue of juvenile justice is a national issue. Children are children from State to State. And there needs to be standards put in place nationally so we don't have these kinds of issues. And I believe the Federal is national, and I believe there needs to be involvement. And we wouldn't be where we are today, I don't think, if we had national standards to deal with our juvenile criminals.

Mr. GOHMERT. And if we don't pass national standards, Florida, you are saying, would not be able to adequately take care of the boot camp issue within its own State?

Ms. GIBSON. Florida won't have any boot camps, first of all.

Mr. GOHMERT. Okay. Thank you.

Mr. SCOTT. Thank you. The gentleman's time has expired. I believe the gentle lady from Texas came in next.

The gentle lady from Texas is recognized.

Ms. JACKSON LEE. I thank the distinguished Chairman. You know, this is the kind of hearing I am just grateful that, as we have moved to the new 110th Congress and we are working with our colleagues, friends on the other side of the aisle, that we have been able to initiate questions like this. And I want to put firmly on the record my appreciation to Chairman Scott for giving us a very broad road map. I chair the Congressional Children's Caucus, and it is holistic in its approach entering programs, health issues, such as obesity, gun violence over the years that has been in place and children's exploitation. And so we look at things in a broad manner, and certainly we recognize that children have to be disciplined; they have to be rehabilitated. And when the boot camp first started maybe a decade ago, people were excited. CNN was covering it. It looked like it would be bite-your-tongue fun, a good way to discipline children. We didn't know that it was going to become a death trap. Or those who had the good intentions didn't know that, in places around the country, it would result in being a death trap for children.

Now, I have just come off of the floor discussing the propensity and epidemic of youth violence. One on one, one of the most conspicuous examples, of course, was the four youngsters who broke into the home of Sean Taylor which resulted in his death. And I say that to recognize that we have a dual problem of violence per-

petrated by youngsters, and then, of course, how do you save their lives? How do you intervene? And how do you work with respect to intervention?

But I would like to ask Representative Gibson—and I thank you for your leadership, coming from Florida. I am not sure if you are from the area—forgive me for missing your testimony. I was on the floor. I only know the story of the youngster who was flat on his back and big hurly, burly people stepping on him. Is this Mr. Anderson? Is that the young man?

Ms. GIBSON. Yes.

Ms. JACKSON LEE. Help me understand why we should be questioning boot camps across the country and why it poses a severe problem, more so than it solves problems of youth crime, which I assume this young man was in because of some incident, criminal incident. And I assume maybe you are from this area. As I said, forgive me. I came in, and I am looking at some notes. But help us understand—I understand Florida has eliminated the boot camps?

Ms. GIBSON. Yes.

Ms. JACKSON LEE. By State action. Is it all gone? Or they are in the process of being eliminated?

Ms. GIBSON. No, following this Martin Lee Anderson incident, actually the boot camps were closed, and the children were moved.

Ms. JACKSON LEE. What year was that?

Ms. GIBSON. 2004 I think.

Ms. JACKSON LEE. Four. That is okay. Why don't I just let you answer the question and then, doctor, would you follow up—Professor, would you follow up and tell us, if we wanted to overhaul this concept of boot camps and we wanted to find a fix and we are looking at a number of legislative initiatives, more intervention, what—eliminate it totally? Or is there another model that could be used?

Representative Gibson, just tell us about the situation in Florida.

Ms. GIBSON. Well—and thank you. I think the video speaks for itself and speaks very loudly to the fact that folks obviously didn't know how to handle this young man. And there was a lack of training. There was a lack of consideration for his physical ability for him to do whatever it was that they wanted him to do.

Ms. JACKSON LEE. His size compared to their size.

Ms. GIBSON. Absolutely.

And the fact that they had stuffed ammonia tablets up his nose is very egregious to me and I don't see how anyone looking at that and knowing what happened, that they could even think that the boot camp model works.

The other part of that, I think I put in my testimony, is that as far as I know, boot camps are military in nature, designed to prepare people to go to war. We are not preparing our children to go to war. We are preparing them to come out and be productive citizens. And I don't think that the boot camps do that. Nor are they inclusive, as I said before—I think you were right—of deep therapy, mental health issues about—with our young folks today, we are finding that not only in Florida, but I believe across the United States that there are a myriad of mental health issues that certainly aren't addressed in a short-term boot camp. And the recidi-

vism rate that I think we are after with our taxpayer dollars is not recognized. And the aftercare programs that some of the boot camps have had, the programs are very fragmented, and so there is no help actually for the child or the family.

Ms. JACKSON LEE. Quickly, Professor, do you have an alternative model, quickly?

Ms. MACKENZIE. The alternative would be to really use the programs that we know are effective, the treatment programs that include education, focus on drug use and drug education and drug problems like drug courts. Multisystemic therapy is another one that looks very promising. We have programs that—cognitive skills would be another one. We have programs that are effective. We might want to try, given that the environments of boot camps—the staff and juveniles did say positive things about them—we might want to try small structured programs without the military basic training model.

Ms. JACKSON LEE. And the roughness that ensues?

Ms. MACKENZIE. The roughness.

Ms. JACKSON LEE. Let me thank you and I yield back. I thank the Chairman very much.

Mr. SCOTT. Thank you. The gentleman from Georgia, Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Chairman.

Why is it that roughness would not work in terms of discipline, in terms of physical requirements? In other words, do the pushups, do the sit-ups, do the chin-ups, do the laps as part of the disciplinary process, as part of the teaching of respect of authority that sometimes many young men and women are missing and which can contribute to them being thrust into the juvenile justice system for a rebellious young person who has had no disciplinary guidance, who may not have achieved on a physical level, may never have done a pushup or a sit-up and who basically lacks respect for authority, couldn't boot camp, if properly administered and if supplemented with various psychological training methods and that kind of thing, couldn't it be something that could be positive, or is it—and I meant this question for both of you—or is it just the whole boot camp model needs to be just done away with because it has no merit whatsoever? Is that what I hear you all saying?

And I am sorry that I was not here at the beginning of your testimony. So I didn't hear. And I am kind of asking this question out of some skepticism of tidbits of what I have heard just sitting here so far, and also probably a lack of knowledge about how to positively impact juveniles who have gone astray.

So I will listen to your responses. Spare the rod, spoil the child. You know, those kinds of things that we have heard. You know, talk to me.

Ms. GIBSON. Let me start by saying this. I am the mother of two sons that I raised by myself. Both of them have graduated from college and I didn't spare the rod nor the mouth. In terms of physical activity as a way of disciplining young people, I don't think that it should be used that way.

Mr. JOHNSON. It may not be just to discipline them, it may be to give them some discipline and also give them a means of achieving something and becoming more physical, helping with the psy-

chosomatic issues. In other words I can achieve physically, I am strong, you know, I can commit myself to more positive pursuits as opposed to what got me in trouble in the first place; I can become Michael Jordan or somebody because I can achieve physically.

Ms. GIBSON. I made references earlier before you came to successes of wilderness-type programs and Outward Bound programs, and there is another program in Florida called About Face that is run by our National Guard. And these programs do have a physical component, rope climbing and things of that nature.

But they also focus on team building and trust, in addition to the physical component, which is not present in a boot camp. If you get up at 0-dark-30, I call it, and are immediately subjected to running the track in the heat or just pushups, that to me does not instill discipline and doesn't allow a child to totally tap into some talents they may find in the rope climbing or in the canoeing or being out in the wilderness communing with nature, if you will.

Mr. JOHNSON. Nothing positive about it at all? Getting up early in the morning, being required to do some laps?

Ms. MACKENZIE. As I said before, there does appear to be some positive attitudes in the boot camp toward the staff and the staff toward the juveniles. So there is something positive. My worry is with these injuries and deaths in the camp that the military—putting that basic training model in isn't effective. My research would say that it doesn't have an influence on later criminal activities. It is not criminogenic learning to change physically, it isn't really going to change you to keep you away from a life of crime. You may need consequences for your actions and that may be beneficial. But we could do many of these things in a different model of a juvenile facility, not using the basic training military model.

Mr. SCOTT. Thank you very much.

Let me just follow up with one quick question. The Ranking Member, Judge Gohmert, mentioned some of the aspects of programs that seemed to work; that is, when you have a boot camp with just the physical activities, it doesn't seem to work, but when you add in education, some of the psychological services, mental health perhaps, when you have that, particularly the education, that it makes a positive difference. That is also what I have been led to believe. Is that what research shows?

Ms. MACKENZIE. The research in that area is very limited. We don't have enough information and the programs don't appear to be very extensive in the boot camps. So the research—I would not make a strong statement about whether the boot camps that now exist that have treatment and therapy within the camps have an impact on recidivism. It is questionable at this point, the results of the research.

Mr. SCOTT. Thank you. Judge Gohmert, do you have any other questions?

Mr. GOHMERT. Since we weren't able to get witnesses, people that I talked to, if I could just mention a couple of things. For one thing, you know, like my friend Mr. Johnson mentioned, there are some youth who have a problem being that they have never had any self-discipline, they have never been taught any discipline. And in talking to parents and teachers of those who have had boot camps—and when I say boot camp, apparently there is a little

miscommunication, because I consider a boot camp not just to have the physical component, but to have these other components where education is a part, and the day boot camps with which I am familiar had the officers of the boot camp available any time of the day on call. They would show up and take the child out of the classroom who was being disruptive and talk to them. And teachers tell me they could not believe the difference in a child who began to learn and start to reach their God-given potential.

I have had parents—there was one mother who said she never could get her child to go to bed, and one night she got fed up and she called the sergeant major that ran the boot camps and said, “My son won’t go to bed.” He said, “Put him on the line.” She put him on the line and he said, “Son, go to bed.” And the kid went to bed.

And she said, “How did you do that?” he said, “Well, I don’t know. We need to work on this a little bit.”

But we found that many times the parents needed some training as an additional component because we are talking about youth. And Representative Gibson, I think you alluded to another issue. When you are dealing with youth, training becomes all the more critical because—Dr. Mackenzie, you are dealing with—these are not hardened adults. These are still moldable children. But Representative Gibson, you mentioned the STAR program and I don’t know if it is the same thing, but that is what we were—the boot camps that I looked at in Texas back when I was on the juvenile board, they called themselves STAR programs and they had the additional components. But it just seemed like, Mr. Johnson—sometimes the discipline is needed in order to get their attention. And one problem we ran into—or I have heard from others—they would have kids get so motivated, turn their studies around, and then after graduating high school, want to join the military. And they would say, “Well, you have had these problems in your background, so we really don’t want you.” and I hate to see that happen when somebody has turned their lives around.

But anyway, I just wanted to mention that for the record. I have heard some great stories of people turned around. But certainly the detriment of losing a precious child requires extra training, requires extra accountability and monitoring. And I appreciate the opportunity to mention these other aspects.

Thank you, Mr. Chairman.

Mr. SCOTT. Thank you. And I would like to thank our witnesses for their testimony today. Members may have additional questions to ask. They will be submitted to you in writing and we would ask you to forward your answers as promptly as possible so they can be made part of the record.

And, without objection, the hearing record will remain open for 1 week for the submission of additional materials, and I assume the gentleman from Texas may have additional statements.

At this time, I would like to introduce for the record a statement from the Thayer Learning Center and one from Representative Hastings and Representative Corrine Brown.

[The prepared statement of the Thayer Learning Center follows:]

[The prepared statement of Mr. Hastings of Florida follows:]

[The prepared statement of Ms. Corrine Brown of Florida follows:]

Mr. SCOTT. Is there any other business to come before the Subcommittee? Without objection, the Subcommittee stands adjourned.

[Whereupon, at 3:45 p.m., the Subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND MEMBER, SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

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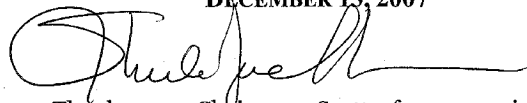
CONGRESSWOMAN SHEILA JACKSON LEE, OF TEXAS

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON CRIME, TERRORISM, AND
HOMELAND SECURITY

**"OVERSIGHT OF STATE-RUN JUVENILE CORRECTIONAL
FACILITIES KNOWN AS 'BOOT CAMPS'"**

DECEMBER 13, 2007



Thank you, Chairman Scott, for convening today's important hearing on the oversight of state-run juvenile correctional facilities known as "boot camps." I would like to begin by welcoming today's distinguished panel, Ms. Adora

Obi Nweze, President of the Florida NAACP in Miami, Florida, Ms. Doris MacKenzie, Professor at the University of Maryland in College Park, Maryland, and Ms. Audrey Gibson, State Representative of Florida's 15th District in Jacksonville, Florida. I look forward to your insightful testimony.

Mr. Chairman, allegations of abuse have permeated these facilities since their inception. We are here today to discuss whether or not states have been taking adequate steps to ensure the civil rights of the youth committed to state-run boot camps. We are here to discuss the allegations of abuse, against our children, abuse of power that has been shielded by the state, and how we might reconcile our expectations of justice with the unfathomable realities of what is essentially the state-sponsored negligence and abuse of our children.

As Chair of the Congressional Children's Caucus, I am horrified by the October 2007 GAO report on Residential

Treatment Programs, which looked into allegations of abuse in juvenile “boot camp” facilities. Boot camps are either state-run or privately owned camps that are modeled after military training camps and are said to instill discipline, structure, and education to the lives of “troubled youths.” While there are both private and public boot camps, reports have shown little to distinguish them in terms of allegations of abuse. In fact, most states license private boot camp operations, which they can then send said troubled youths to, and claim to monitor the operations for safety and education standards. Mr. Chairman, as Members of the House of Representatives, we are responsible for ensuring that our children are not being sentenced to sustain systemic abuse and neglect.

When the GAO began to look into allegations of abuse in privately run boot camps, no one was prepared for the outcome. The GAO found that in 2005 alone, 1,619 staff members of the boot camps examined were involved in

allegations of abuse in 33 states. Furthermore, the report found that, “ineffective management led to hiring untrained staff, lack of proper nourishment for participants, and reckless and abusive operating practices, which played significant role in 3 deaths.” The three deaths this report cites are but a symptom of a widespread epidemic that is plaguing our juvenile detention centers.

Unfortunately, state-run boot camps are no safer for our children. While states offer detention in boot camps as an alternative to conventional punishment, there lies a danger: unlike private facilities where a teen is enrolled at his or her guardian’s request and may thus be removed by that guardian, in the criminal setting, a judge may order the youth to a state-run boot camp instead of jail, where teens seem to be as at much risk in state facilities as they are in the private facilities, but more disturbingly cannot leave at a guardians request. The inability of parents to intervene on behalf of their children’s safety has led to tragic results.

State-run boot camps have led to the abuse of our children and even death due to the harsh conditions, excessive discipline, and poorly trained staff, all of which can be remedied should the state show some initiative in protecting our nations most vulnerable “troubled youth.”

I would like to share with you the story of a young man named Caleb Jensen who was ordered into the Alternative Youth Adventures (AYA) boot camp, in Colorado, by a judge from the Utah Division of Juvenile Justice Services. Caleb had suffered from staph infections and impetigo since early childhood and, according to his mother, always knew when he was sick. Following several days of Caleb insisting to facility employees that he was not feeling well, all of which were ignored, his illness manifested itself in the form of behavioral problems that warranted the attention of a counselor. Caleb told the counselor that he was not feeling well and needed to go home but by the time Caleb was done speaking to the counselor, it was too late. On May 2, 2007,

Caleb slumped over in front of the counselor and died of a methicillin-resistant staphylococcus aureus infection. While Colorado revoked AYA's license to operate the facility, no charges have been filed against any of the employees responsible for 15 year old Caleb's wrongful death.

Mr. Chairman, what has happened to children incarcerated in state-run or state-sponsored boot camps is horrific. But what is even more troubling is the lack of accountability by those who were responsible for the abuse and death of children within these facilities. Caleb's family is but one of many who have yet to receive justice for the wrongful death of their child. Responsible guards and facility employees have consistently evaded justice, be it through acquittal or the fact that no charges were filed at all. We cannot allow this to persist.

We have a responsibility to our children. We must ensure their safety and protection, especially when they are the charge of the state, as is the case in state-run or state-

sponsored boot camps. We must ensure that there are adequately trained employees that staff these facilities, that there are medical professionals available, that all employees are taught to recognize the tell-tale signs of illness, and that the voices of the “troubled youth” who inhabit these facilities are heard.

I look forward to the testimony of today’s distinguished panel and to addressing the issues that seem so endemic to boot camp system. Thank you, Mr. Chairman. I yield back the balance of my time.

THAYER LEARNING CENTER, LLC
STATEMENT TO THE COMMITTEE

The information provided to the Committee by the GAO regarding Thayer Learning Center, LLC ("TLC") was in error. TLC has never been found guilty of abusing any child. The Committee should demand that GAO present evidence of any finding of abuse of a child by TLC. There is none.

TLC was administratively cited for "medical neglect" of only one of the hundreds of students that TLC has served in its five years of operation. The Child Fatality Review Board (the "Board"), which reviews all deaths of children in Missouri on behalf of the Division of Family Services ("DFS"), concluded only as follows: "WE AS A PANEL QUESTION WHETHER EARLIER MEDICAL TREATMENT COULD HAVE PREVENTED THIS FATALITY."

The Board was not able to conclude that Thayer Learning Center did anything to contribute to this fatality "to a reasonable degree of medical certainty." There is no standard for the Board members' "question". The medical examiner, who specializes in child deaths, determined a rare medical condition caused this fatality in a child who was at the facility for less than two weeks rather than the 60 days stated in some reports.

Significantly, there has never been a finding of "child abuse" or "child neglect". There are, however, unsubstantiated hearsay reports from disgruntled former employees and others with well-publicized intentions to put TLC and similar facilities out of business for personal reasons. Not surprisingly, such unsubstantiated reports do not constitute the basis of any State findings or any State actions against TLC or any of its personnel.

This unfortunate fatality was investigated by the Missouri Division of Family Services, the DFS Out-of-Home Investigations unit, the State Technical Assistance Team, two separate prosecutors for Caldwell County, and the Missouri Attorney General. To suggest that these authorities are incompetent because they refuse to believe unsubstantiated allegations and refuse to criminalize an unfortunate illness disrespects the State of Missouri as well as each the parents and children who have sought and received help at TLC.

TLC has helped hundreds of children to reunite with their families in its five years of operation in this single location in rural Missouri in the heart of America. Contrary to unsubstantiated allegations, TLC has not operated in any other location. The owner, Willa Bundy, also has not operated a similar facility in any other location.

The records TLC provided to the State during the investigation were edited only to protect the confidentiality of other students at the school whose names appeared on the same records as those on which there were references to the child at issue. Some careless

readers misinterpreted these redactions as alterations of the records, and mistook references to other children's issues as issues related to the child at issue. Anyone who carefully read the records, however, understood that this child was not abused and was not asking to see a doctor.

As a final point, TLC does not operate on any Federal land and receives no assistance from any governmental entity—Federal, State or Local. It pays its taxes and is a welcome member of its local community. The Committee members should personally visit this school before basing any Federal legislation, or launching any massive investigations, on any claims about TLC. Indeed, TLC extends an open invitation to the Committee members.

Sincerely,

Willa Bundy
Thayer Learning Center, LLC
October 22, 2007



PREPARED STATEMENT OF THE HONORABLE ALCEE L. HASTINGS, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF FLORIDA

ALCEE L. HASTINGS
23RD CONGRESSIONAL DISTRICT
FLORIDA

RULES COMMITTEE

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

FLORIDA DELEGATION
VICE CHAIRMAN

UNITED STATES
HELSINKI COMMISSION

SENIOR DEMOCRATIC WHIP



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House of Representatives
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Statement of the Honorable Alcee L. Hastings
Reprioritizing Youth Development:
The Inadequacies and Dangers of Juvenile Justice Boot Camps
Subcommittee on Crime, Terrorism, and Homeland Security
Committee on the Judiciary
United States House of Representatives

December 13, 2007

Chairman Scott, Ranking Member Forbes and members of the Subcommittee, thank you for leadership in calling this hearing.

I applaud the Committee for taking the time to investigate the merit and effectiveness of juvenile justice boot camps in rehabilitating youth offenders. I would also like to commend my colleagues from Florida, Representatives Kendrick Meek and Corrine Brown, who joined me in calling for this hearing. We are confident will illuminate the dangers of juvenile justice boot camps.

I also want to thank and welcome my good friends Adora Obi Nweze, President of the Florida NAACP, and Florida State Representative Audrey Gibson for being here today. The two of them both hold unique perspectives and great knowledge on this issue and I am so glad that they made the time to be with us today.

There has been an unacceptable trend of tragic deaths associated with the poor administration of the juvenile justice facilities we are here today to discuss. Many of the tragedies have recently occurred in my home state of Florida. In 2003, a seventeen year-old named Omar Paisley suffered a tragic fate in a Miami-Dade County juvenile boot camp. After three days of begging for medical attention, Paisley was denied treatment for a burst appendix and died in his room. Sadly, those responsible for failing to act were never held accountable.

A more recent incident in January 2006 involved the beating of Martin Lee Anderson in a Bay County juvenile boot camp by seven guards. Anderson died soon after the beating and further investigation found that he had died of suffocation rather than preliminary reports

of sickle-cell anemia complications. On October 12, 2007, all of the guards implicated the case were acquitted. These two incidences are only a few of many unfortunate deaths and the injustice that ensued which demonstrate that our juvenile justice system needs to reassess its toleration of excessive force and criminal negligence.

The negligence, violent punishment, and disciplinary procedures that many youths within these camps endure reflects a defunct paradigm that by no means rehabilitates at-risk youth, nor does it serve the intended purposes of the juvenile justice system. A number of scientific studies of adult and juvenile boot camps, some conducted with funding from the Department of Justice, have failed to demonstrate improvement in recidivism rates. Some states including Colorado and California have recognized that the concept of juvenile boot camps is flawed and, as such, are not holistically rehabilitating youth offenders. We must work together to develop more effective federal policies for youth offender rehabilitation without the violence and risks of juvenile boot camps.

A recent Department of Justice report observed that at the end of 2006 an estimated 2.38 million people were incarcerated in state and federal facilities, an increase of 2.8 percent over 2005. A record 5 million people were on parole or probation, an increase of 1.8 percent. These general prison population statistics demonstrate that we need to work towards preventative measures to prevent further growth in our prison populations. That, Mr. Chairman, begins with youth rehabilitation.

Programs that strengthen our communities to discourage deviance are necessary. That is why I introduced the Path to Success: Gang Prevention through Community Partners Act earlier this year to develop community college partnerships with juvenile detention centers for educational opportunities, which will reduce recidivism. We must begin to examine creative proposals like mine which safely rehabilitate our youth rather than subject them to harm.

I look forward to our continued work together on this. We must develop a system under which we have juvenile justice administration procedures that truly rehabilitate youth to become productive contributors to our society.

PREPARED STATEMENT OF THE HONORABLE CORRINE BROWN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF FLORIDA

Rep. Corrine Brown
The Subcommittee on Crime, Terrorism, and Homeland Security
Committee on the Judiciary
Oversight of State-Run Juvenile Correctional Facilities Known As "Boot Camps"
December 13, 2007 at 1:00 p. m. in Room 2141 Rayburn

Thank you, Mr. Chairman, for calling this hearing on such an important issue. I appreciate you holding the hearing at the request of members of the Florida delegation.

Boot camps are modeled after military training camps, and can be either public or private. They were designed to get the young men who were on a path to a life of crime and ultimately, most of their lives spent in prison, rehabilitated and

back into being a contributing member of society.

There have been too many cases of untrained guards who have too much power over the lives of individual participants in these boot camps.

As you know, Martin Lee Anderson was sentenced to a boot camp for taking his grandmother's car for a joy ride. Within hours of arriving at the camp, he was on a mandatory run and when he could go no further, he was accosted by the guards

and eventually died.

The guards who took his life were later acquitted of any charges in his death.

The guards who were there to protect him and all the other young men at the camp from injury were the ones who caused his death.

And the nurse, who took an oath to do no harm, was there not as an advocate for the Anderson, but to encourage the guards to go further.

The system is broken when the participants are not safe while in custody.

I look forward to hearing the testimony from the witnesses today.